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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,008	03/25/2004	Bryan L. Dalton	LM(F)6-495 NP	7833
26294 7590 03/03/2008 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114				
EXAMINER				
NGUYEN, PHILLIP H				
ART UNIT		PAPER NUMBER		
2191				
MAIL DATE		DELIVERY MODE		
03/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/809,008

**Applicant(s)**

DALTON ET AL.

**Examiner**

Phillip H. Nguyen

**Art Unit**

2191

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-85/86)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the amendment filed 1/31/2008.
2. Claims 1-10 and 21-24 are pending and have been considered below.
3. Per Applicant's request, claims 11-20 have been cancelled; claims 21-24 are newly added.

### ***Response to Amendment***

4. Claims 4-7 were indicated allowable in previous action have been withdrawn.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-10 and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-10 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (United States Patent No.: US 6,553,375).

As per claim 1:

Huang teaches:

*a software application for use with the mobile data acquisition device, the software application being located on a remote computer (see at least FIG. 4), the remote computer transferring the software application from the remote computer to the mobile data acquisition device (see at least FIG. 7; also see at least col. 6, lines 25-31 "...may download to the client device, based on the access control list 607 and the management policies, 1. a set of applications selected by the client, 2. a default set of applications that the client device does not have, and..."),*

*the remote computer installing and activating the software application for use by the mobile data acquisition device (see at least FIG. 7; also see at least col. 6, lines 25-31 "...may download to the client device, based on the access control list 607 and the management policies, 1. a set of applications selected by the client, 2. a default set of applications that the client device does not have, and..."), the software application being determined by a user and replacing a factory default software application (see at least col. 5, line 56 "user selects applications to either delete or to download" – the software applications must be activated in order for use by the hand-held device).*

As per claim 2:

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Huang further teaches:

*wherein the remote computer enables a first set of applications for the mobile data acquisition device, the first set of applications being defined by a first User Role (see at least col. 6, lines 25-31 "...may download to the client device, based on the access control list 607 and the management policies, 1. a set of applications selected by the client, 2. a default set of applications that the client device does not have, and..."; also see col. 1, lines 36-50 "It may be valuable that the sales department devices receives only the account management application, the factory devices receive only the machine operation applications...It may also be useful that, based on employee roles, devices belonging to different employees receive different sets of applications, matched to the employees' perspective roles...").*

As per claim 3:

Huang further teaches:

*wherein the remote computer disables the first set of applications and enables a second set of applications for the mobile data acquisition device, the second set of applications being defined by a second User Role (see at least FIG. 7 - "delete (i.e. disable) application from client application list").*

As per claim 4:

Huang further teaches:

*wherein the mobile data acquisition device includes a User Role selection module, an application list module, and an application selection module (see FIG. 3; also see at least col. 6, lines 33-34 "updated client application list").*

As per claims 5 and 22:

Huang further teaches:

*wherein the User Role selection module displays a list of User Roles for the user (see at least FIG. 3).*

As per claims 6 and 23:

Huang further teaches:

*wherein the application list module maintains a list of available software applications for the mobile data acquisition device (see at least col. 5, lines 54-55 "the list applications 506 available for download from the server is displayed...user selects applications to either delete or to download").*

As per claims 7 and 24:

Huang further teaches:

*wherein the application selection module maintains a list of enabled software applications for the mobile data acquisition devices (see at least FIG. 3).*

As per claim 8:

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Huang further teaches:

*wherein the mobile data acquisition device disables a software application no longer needed by the mobile data acquisition device (see at least FIG. 7 - "delete (i.e. disable) application from client application list").*

As per claim 9:

Huang further teaches:

*wherein the remote computer maintains an application installation log for determining software applications enabled at a given time (see at least FIG. 4 - "access control list 407").*

As per claim 10:

Huang further teaches:

*wherein the remote computer requests an application activation file from the mobile data acquisition device (see at least col. 6, lines 9-10 "the server determines whether the client device has an application list. If the client has an application list, the server retrieves").*

As per claim 21:

Huang further teaches:

*a software application for use with the mobile data acquisition device, the software application being located on a remote computer (see at least FIG. 4),*

*the remote computer transferring the software application from the remote computer to the mobile data acquisition device (see at least FIG. 7; also see at least col. 6, lines 25-31 "...may download to the client device, based on the access control list 607 and the management policies, 1. a set of applications selected by the client, 2. a default set of applications that the client device does not have, and..."), the mobile data acquisition device comprising a User Role Selection module, an application list module, and an application selection module (see at least FIG. 3),*

*the remote computer installing and activating the software application for use by the mobile data acquisition device (see at least FIG. 7; also see at least col. 6, lines 25-31 "...may download to the client device, based on the access control list 607 and the management policies, 1. a set of applications selected by the client, 2. a default set of applications that the client device does not have, and..."), the software application being determined by a user and replacing a factory default software application (see at least col. 5, line 56 "user selects applications to either delete or to download" – the software applications must be activated in order for use by the hand-held device).*

### **Conclusion**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN

2/21/2008

/MARY STEELMAN/

for Mary Steelman, Primary Examiner of Art Unit 2191